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**Board Meeting – July 15, 2013**

**21<sup>st</sup> Floor – Conference Room 1**

**Present Board Members:**

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- Myra Berloff, Massachusetts Office on Disability (MB)
- Carol Steinberg, Member (CS)
- Mark Trivett, Member (MT)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

**Members Not Present:**

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Andrew Bedar, Member (AB)
- Gerald LeBlanc, Member (GL)

- Meeting began at 9:00 a.m.

1) **Incoming:** College Hall, 155 South Pleasant St., Amherst (V13-195)

TH - EXHIBIT – variance application

- spending \$1.8 million, value is \$2million+
- over 30%
- seeking one variance for the front entrance of the building
- accessible entrance at the back of the building, adjacent to the parking

- mass historic supports the variance request
- Amherst College building

CS - want to know where the building is located in relation to the campus

MB - can people get to the porch?

TH - not sure

MB - not sure if the thresholds are a problem

- one thing to not get up the steps, but if can't get onto the porch from within
- need more information

CS - why can't they build a ramp?

TH - sample ramps in the application

MB - not sure if access up to the door can be provided, but at least want to know that there is access from the interior onto the porch

WW- worst thing that you would have to do,

*CS - continue for more information regarding the location of the building relative to the college campus, how the building is used, and if access can be allowed from the interior out onto the porch at the front entrance*

*DM - second – carries*

2) Discussion: Exchange Hall, 2 School St., Acton (V11-110)

TH - EXHIBIT – photos of the completed work, including picture of the inspection certificate for the LULA

- still some outstanding issues related to doors and the third floor stage and the second floor kitchen

*CS - accept the photographs as a compliant status report*

*MT - second - carries*

3) Discussion: Beals Library, 50 Pleasant St., Winchendon (V12-281)

TH - EXHIBIT – plan submittal, to show the alterations to the stacks

- previously ordered to continue the discussion regarding the library stacks, to provide compliant clearances between the stacks
- was required to be submitted by April 5, 2013, but confusion on who was to submit the drawing

*MB - accept the plans (A-01), and order that the plans are implemented by October 1, 2013*

*MT - second*

*CS - what about stack heights, allowed by 521 CMR, only 50%*

– carries

4) Incoming Discussion: Carlton Willard Auditorium, 100 Old Billerica Rd., Bedford (V13-169)

TH - EXHIBIT – new submittal regarding the lift

- originally presented as an incoming case on July 1, 2013
- wanted further breakdown of spending
- actual spending on the alteration of the stage was \$63,900.00
- they are seeking permission to use a portable lift to use this stage

CS - if there is an event in the auditorium, will the lift be set up; policy just said “as needed”

MT - request for special needs will be added to the request form and be distributed to all departments

*MB - grant as proposed, on the condition that policy in place*

*MT - second – carries*

5) Incoming: Mary Hawks House at the Bennett School, 3 Old Ferry Rd., Deerfield (V13-186)

TH - EXHIBIT – variance application

- formerly a house, now a dormitory house
- summer camp
- seeking variance to utilize a portable pool lift

MB - different than for a health club, this a camp and they know who is using the pool

*MB - grant the use of the pool socket lift*

*DM - second - carries*

6) Incoming: St. Mary’s Syrian Orthodox Church, 1 Industrial Drive, Shrewsbury (V13-164)

TH - EXHIBIT – new submittal

- originally presented as incoming case at July 1, 2013 meeting
- adding addition with 492sf mezzanine
- first floor accommodations proposed
- spending over 30%, triggering full compliance
- seeking no access to the new mezzanine
- it was denied and hearing has been scheduled for September 9, 2013 at 2 p.m.
- new drawing showing the actual usage of the mezzanine, 228 sf is the usable square feet of the mezzanine
- beams cut into the head height of mezzanine level
- choir is located at the mezzanine, but accommodations will be provided at the first floor

CS - creating something inaccessible

- there has to be another place to put the choir

*CS* - maintain denial and the scheduled hearing

*MB* - second – carries

7) Incoming: Office Space, 424-426 Salem St., Malden (V13-191)

TH - EXHIBIT – variance application

- spending \$45,000.00 for a new accessible toilet room

- work performed issue

- after looking at everything, including the plans and photographs, don't think that a variance is necessary

*MB* - no variance required, since no jurisdiction of 521 CMR has been triggered

*DM* - second - carries

**- Gerald LeBlanc (GL) – now present –**

8) Incoming: Mixed Use Building, 501 Chestnut St., Gardner (V13-192)

TH - EXHIBIT – variance application

- in July of 2012 a tenant was granted a variance to install two automatic door openers

- that tenant has since left the tenant space and that space has been split into two different tenants

- the previous variance was for one of the two entrances into the large tenant space, but now two separate entrances

- proposing sloped landing with automatic door opener; slopes for one will be 8.4%

*MB* - grant as proposed

*MT* - second - carries

9) Discussion: Wheelchair symbol, altered international symbol of accessible showing movement as opposed to sedentary

TH - subcommittee voted for that years ago

- recently approached by an attorney that uses a wheelchair about the new symbol

MB - sent someone to AAB last week

- there is no specific criterion that the symbol looks one way or another

10) Incoming: 3 Retail Store Spaces, 466, 466A and 466B Salem St., Medford (V13-187)

TH - EXHIBIT – variance application

- three spaces damages by a fire

- they are over 30%

- three options relative to doing an entrance that will have a slope down in front of the door

- need a better drawing

*MB - allow Option 3 provided that they install automatic door openers at all three doors*

*- change to motion to continue to determine slope of the proposed entrances*

*CS - second – carries with DM*

**- WW not present, DM as acting chair -**

11) Incoming: Khan Building, Bournewood Hospital, 300 South St., Brookline (V13-190)

TH - EXHIBIT – variance application

- new construction, psychiatric unit

- seeking variance for shower seats in rooms; will provide accessible shower seats upon request

- will not provide fixed seats, based safety concerns

- portable shower chairs will be used by staff with patients

*MT - grant as proposed*

*GL - second – carries*

12) Incoming: Dormitory Building, 40 Chase St., Newton (V13-197)

TH - EXHIBIT – variance application

- existing 3 story 2-family apartment building

- spending over 30%

- building is being converted to a 14 room SRO in a supervised setting

- one unit is a two-bedroom, staff apartment to manage the people living in the building

- seeking 11 different variances

- supported by the Newton Commission on Disabilities

*CS - hearing*

*GL - second - carries*

**- WW now present -**

13) Incoming: Boston Dialogue Foundation, 500 Revere St., Revere (V13-205)

TH - EXHIBIT – variance application

- spending over 30%

- sought temporary CO for use, on the condition that variance application submitted by 7/12/13

- variance was received on 7/12/13

- seeking variances for 4 items: stage area; doors at mezzanine; access to the mezzanine; location of unisex toilet room

- plan labels everything as employee areas
- reception area is called employee only

*DM - waive two-week waiting period*

*CS - second – carries*

*CS - hearing*

*DM - second - carries*

14) Discussion: Cases of the day

CS - spending for Bay Path?

TH - seeking 3 variances for that case; internal hallway ramps

**- Raymond Glazier (RG), now present –**

TH - when this case first came before the Board, it was 2011  
 - sent all the paperwork to Joe Milani after the original architect left his firm

MB - are the classrooms clustered?

15) Incoming: Bishop Allen Apartments, 4 different buildings, 4 locations, Cambridge (V13-150)

TH - EXHIBIT – variance application  
 - 4 separate buildings, 8 units each  
 - Group 2A required  
 - providing two Group 2A units at the first floor of 64 Norfolk St.  
 - variance for distribution  
 - originally before us on 6/17/13, but got missed, moved to July 1, 2013, but missed again  
 - first floors are all 4 feet above grade; 62 Norfolk Street is the only building with enough land around and an exterior entrance to provide the ramp

*GL - grant 9.4.2 for distribution of location of the accessible units*

*MT - second – carries*

TH - also seeking variance for 9.4.2 for the fact that the proposed units will both be Group 2A units

*MB - grant 9.4.2 for number of bedrooms based on tech. infeasibility*

*GL - second – carries*

TH - 10.8.1, seeking an advisory opinion  
 - accessible laundry facilities within each accessible unit; since not more than 12 units, there is laundry room in the basement

- laundry rooms don't need variances, since each building is only 8 units; only required compliant common room spaces if more than 12 spaces

*MB - no variance required, but accessible units should have laundry facilities within the unit as proposed*

*GL - second – carries*

16) Incoming Discussion: Petra Somerville, Brookline Boulders, 12A Tyler St./40 Park St., Somerville (V13-121)

- TH - EXHIBIT – new submittal
- May 8, 2013 notice of action set an August 1, 2013 deadline for the installation of a LULA
  - shaft has been constructed
  - sought a time variance for the installation of the LULA for the mezzanine
  - temporary CO requested for June 1, 2013
  - asking for a short extension
  - letter from Garaventa states that the LULA will be installed by the first week of August

*MB - extend date of compliance for the LULA installation to September 15, 2013*

*MT - second - carries*

17) Incoming: Town Hall, 136 Elm St., Easton (V13-188)

- MT - need to recuse and leave the room
- TH - EXHIBIT – variance application
- seeking to lock the first floor accessible toilet room
  - jurisdiction was the decrease of access
  - originally brought to the Board by Mark Trivett, who is the building inspector
  - proposing to have a key code lock for the door
  - no dimensions

*DM - deny, need clarification on the dimensions*

*KS - should be continuance not a denial if you want more information*

*DM - continue to have them submit clarification of usage of the space and dimensions of the toilet rooms*

*RG - second – carries*

18) Incoming: African Meeting House, 150-160A Warden St., Boston (V13-189)

- TH - EXHIBIT – variance application
- existing building, houses church and preschool
  - seeking variance to dimensions to use a casket lift
  - lift is 36" by 96"

- petitioner also submitted variance to the elevator board; found out that the variance would not be reviewed by the elevator board until September of 2013

*MT - continue until variance reviewed by the elevator board*

*GL - second – carries*

19) Incoming: Market Basket, 71 Sack Rd., Leominster (V13-194)

TH - EXHIBIT – variance application

- renovated 1 story supermarket with a mezzanine lunch room and small office (900 sf)

- proposing a LULA

*MB - grant as proposed*

*DM - second – carries*

20) Hearing: Bay Path Regional Vocational Technical High School, 57 Old Nugget Hill Rd., Charlton (V11-218)

WW - hearing called to order at 11:05 a.m.

- introduce the Board

Joe Milani, Architect, Kaestle Boos Associates (JM)

WW - JM sworn in

- EXHIBIT 1 – AAB1-53

JM - built in 1972, under 1968 regulations of 521 CMR, and it did comply with those requirements of that time

- addition is well over 30% as proposed

- previous submittal was sent to the Board and then returned to Kaestle Boos, done by another architect in the firm

- did provide a compliance and renovation summary

WW - EXHIBIT 2 – compliance and renovation summary

JM - providing compliance with the current code, except for the requested variances

- interior stairs within classrooms

- floor plan of the school, AAB25

- hexagon layout with internal corridor

- off of the hexagon are shops spaces and entrances

- at the interior are the classrooms related to the shop

- there are six spoke corridors that connect shop areas to classroom core at the center

- shop rooms were built 2'8" lower than then central classroom core



- there are direct access at three shops; two in the automotive shop and one in the kitchen/culinary shop that are at the lower level of the shop space
- there are small stairways in these three spaces connecting directly from the regular corridor; there is an alternate accessible route to these classrooms within the shop space
- the stairs are part of the foundation
- plan showing stairs as part of the foundation

WW - EXHIBIT 3 – plans showing the stairs as part of the foundation

JM - in order to remove the stair, would have to remove the foundation wall and then rebuild the foundation as shown in the first plan of Exhibit 3

- a chair lift was also looked at, the cost for that was \$21,568.00 per location, so approximately \$64,000.00

- no complaints regarding these existing stairs and have had disabled students and teachers within the school

- access is provided from the shop to the related classroom space; not direct access to the classroom space from the corridor

- travel distance shown on each of the plans AAB26-28

GL - toilet dimensions?

JM - all toilets in the building have been brought into compliance

- have lost some toilets and had to get variances to the required amount of toilets from the Plumbing Board

- provide accessible unisex toilet rooms

MB - if in shop area at the lower level, in order to get to the associated classroom have to travel 126 feet to culinary?

JM - all students go out into the corridor and out into the classrooms

- all students go into the classroom from the shop space, but at the end of class, some can go right out to the corridor and those unable to traverse the stairs would go back out through the shop space

- students go a week in shop and a week off in classroom space

CS - from the classroom to the shop, same route for all to these three areas

JM - event is rare that you leave the space during shop week

- either remove the stair, or variance for inaccessible route

- not used that often

JM - in the other classrooms in the outer ring, they are related to each of the shop spaces

- all of the students go along the same path to access the classrooms from the shop space, out into the corridor for all of the other classrooms with the exception of these three

CS - clear route through the cafeteria

JM - yes, clear path provided with furniture in place within the cafeteria

RG - want to know if the stairs and railing will comply  
JM - yes all the stairs will comply in the existing spoke corridors

DM - *grant the variance for the lack of accessible route from corridor for these three classrooms, based on technological infeasibility*

CS - *second – carries*

JM - AAB29, building is built on a hill  
- enter at grade at the front; 18 feet change in grade to the back  
- as you go around the building, main entrance to the gym at the rear, parking area around the first floor of the building  
- gym is at second floor at the rear  
- main entrance, and then ring road that goes around the building exterior stairs, concrete stair built into the grade of the hill outside of the building  
- created to access an existing concrete patio, existing inaccessible route  
- to provide a ramp from the upper plaza to lower parking level would take 260' of ramp, tech. infeasible to do with the slope of the grade  
- to remove the stairs would be \$5,000.00, but there is no benefit to removing the stairs

MB - how is the stair used or is it proposed to be used?

JM - unsure, may be for overflow parking for gymnasium events, all students access the gym from interior; and there will be accessible parking at the exterior entrance to the gym

CS - but they can park up and go right into the gym from the upper level

JM - no sidewalk since the road is so steep

CS - kids don't use it?

JM - been to the school a couple of times during the day, not used during the day for security  
- stairs are compliant, just not an accessible route

DM - *grant as proposed based on tech. infeasibility and lack of substantial benefit without excessive cost*

CS - *second – carries*

JM - existing ramps in the spoke corridors  
- since a drop of 2'8", 1:10 slope, built in compliance with the 1968 edition of 521 CMR  
- flooring is being replaced and handrails are being replaced  
- the cost to do the minimal amount of compliance for the surface and the handrails is \$14,000.00 per location  
- want to maintain 1:10 slope  
- Ramps E and F have the most issues, to extend Ramp F to comply in full with the requirements of 521 CMR 24; to do that it would require that the bathroom corridor be extended and the door to the cafeteria would be a single door instead of the current double leaf doors, would reduce egress  
- three other locations would have to provide relocated doors or lockers

- partial compliance (1:12 slope without mid-height landing) would require relocating the door to the bathrooms and the cafeteria,
- cost for replacing flooring and railings is \$14,000.00 per location (six locations)
- partial compliance is an additional \$52,000.00 total, on top of proposed replacement of flooring and handrails
- full compliance would be additional \$75,000.00 total, on top of proposed replacement of flooring and handrails
- no complaints from previous students or teachers
- as a minimum would provide new flooring and handrails, but request to leave the ramps at 1:10 slope

GL - issue with only one toilet in shop

- JM - unisex toilet room in each of the shop, got variance from plumbing board
- providing compliant number of toilet rooms in the public corridor that will comply
  - unisex shop toilet rooms are provided at all locations on top of the required number of toilets

MB - 1:10 ramp slope is steep

- not infeasible to create 1:12 slope with no landing
- \$57 million project, these ramps will be here for another 40 years, substantial benefit to a 1:12 slope versus a 1:10 slope, not an excessive cost

CS - impressed by substitute teachers letter that he did not have trouble with the slope, would have trouble with the additional length

JM - don't want to extend and restrict egress if landings are provided which would extend the ramps approximately 10 feet

*MB - grant the variance for the lack of intermediate level landings, but require that the ramps be modified to a slope of 1:12*

*CS - second – carries*

## 21) Incoming Discussion: Bistro Five Restaurant, 471 High St., Medford (V13-174)

- TH - EXHIBIT – new plans submitted
- presented originally on July 1, 2013
  - notice of action was issued and variance was denied and hearing scheduled
  - met with owner and designer
  - proposing to remove rear door and provide compliant door with awning and lighting
  - sample of the signage at the front of the building
  - will have buzzer at the front of the building to assist with getting into the rear of the restaurant
  - propose signage at the main door and at the corner of the building, directing people to the rear accessible entrance
  - maneuvering clearance issue in one of the bathrooms
  - proposing to make one accessible and one leave as inaccessible
  - plumbing is imbedded into the concrete foundation

- propose to move the sink to provide the required 42" between center line of toilet room and sink
- may have to go to the plumbing board

MB - could we support them before the Plumbing board seeking a variance  
 TH - yes, have done that in the past

TH - variance is for the lack of access at the front entrance

MB - dumpsters aren't at the rear are they?  
 TH - unsure, but entrance is definitely at the back of the building

MB - also need written policy, especially about answering the call of the buzzer

TH - project is currently on hold  
 - they did not understand

*MB - continue to have written policies about assistance submitted, want to make sure dumpsters are not near the rear entrance, will allow permit to be issued now, on the condition that this information is submitted to the Board by July 29, 2013*

*CS - second – carries with DM abstaining*

*MB - have the Board write to the plumbing board in support of the two single-user toilet rooms*

*CS - second – carries with DM abstaining*

## 22) Hearing: AG & AJ Realty, 336 Union Avenue, Framingham (V13-080)

WW - called to order at 1:00 p.m.  
 - introduce the Board

Richard Casdino, Representative for the Owner (RC)

WW - RC sworn in  
 - EXHIBIT 1 – AAB1-53

TH - email from chair of disability commission for Framingham

WW - EXHIBIT 2, read into the record  
 - letter opposes the variance for the ramp width, and notes that there are other areas of noncompliance;  
 both floors will be a medical use, therefore access required

TH - building inspector's letter is on AAB21  
 - AAB20 and 21, property referred to as Charles River Medical in letter from the Town  
 - need to make sure references the correct entity

- TH - previously met with the owner and RC about the width between the handrails  
 - 521 CMR requires 48" and ADAAG is 36", seeking variance for 34"
- RC - don't see why a ramp of 48" clear width between the handrails could not be achieved  
 - there is currently no ramp to the building  
 - seeking variances for existing handrails at the interior  
 - AAB10-12, show the existing handrails exterior, that don't have the compliant extensions  
 - reception counter top height, AAB13, but that could be lowered  
 - existing bathrooms are not compliant, AAB14
- MB - can only grant variances on one of two grounds, technological infeasibility or excessive cost without substantial benefit to persons with disabilities  
 - don't have stamped plans showing what is proposed; need to know what is noncompliant
- RC - was unaware of how to prepare for the hearing, and was asked by the owner to represent him at the hearing
- MB - back in 2011 needed to start the process and now 2013 and have been sent to represent the owner unprepared
- CS - building is open and operating?  
 RC - yes
- MB - without explanation for the items that require variances, would have to deny all the variances requested
- RC - operating now, but when he wanted to put a ramp in, ran into the requirement for further access
- WW - need to have an architect look through the entire building, review the jurisdictional thresholds of 521 CMR, and come up with a plan for compliance or amended variance requests
- MB - continue the hearing to allow the Petitioners time to hire a registered architect to do a full review of the building in regards to compliance with 521 CMR, need to submit a report by September 15, 2013 to the Board.*
- GL - second, if the required information not submitted to the Board within that timeframe, the building will be closed*
- MB - will not accept that as part of the motion, but there will be no further extensions*  
*- carries*

23) Incoming Discussion: Computer Store/Karate Studio, 267 Main St., Townsend (V12-058)

- TH - EXHIBIT – new letter  
 - amended notice of action, May 9, 2012, issued an order granting the variance for no vertical access to the space, notice required that if the petitioner made any changes to the tenant, would have to come back before the Board

- karate studio is a part time business, proposing to do a tenant share space with a yoga studio
- yoga studio would use the space when the karate studio is not using the space
- downstairs is all tied up by tenant lease

CS - what was the initial jurisdiction?

TH - over 30%

TH - would have to break the lease with a first floor tenant to create a first floor lobby space to install vertical access

*DM - grant as proposed*

*MT - second – carries with CS opposed*

24) Discussion: Community Center, 39 Harvard Rd., Lancaster (V11-252)

TH - EXHIBIT – status update

- received status update on July 8<sup>th</sup>, due July 1, 2013

*DM - accept the status update*

*RG - second - carries*

25) Incoming Discussion: Seventh Day Adventist Church, 94 Marlborough St., Hudson (V13-143)

TH - EXHIBIT – new submittal

- originally reviewed as incoming case on June 3, 2013

- conversion of unused office room into single user accessible toilet room

- will comply with everything except the latch pull side clearance

- seeking variance for 26.6.4, existing approach to the door does not have the 12” push clearance

- previously granted on the condition that an automatic door opener be installed

- new submittal from architect shows costs of automatic door opener (\$2300-3500), proposing to remove the latch, provide closer at the top and a lock; there is enough pull side clearance

*MB - grant as proposed*

*MT - second - carries*

26) Discussion: Barrington Stage Company, 36 Linden St., Pittsfield (V12-190)

TH - performance area with lower level bar

- ordered that ramp slope sign put up, warning patrons of the steep slope of the exterior ramp

- received confirmation on May 21, 2013 of the bathrooms and the signage at the ramp in place

- Notice of amended decision sent to the owner sent in June 28, 2013 accepting the submittal as compliant with the orders of the board

- email from June Hailer, Chair of the Disability Commission for Pittsfield, showing that the sign is removed; and no signage is posted

*MB - brought to our attention, via submittal of photographic evidence that sign has been removed, therefore schedule fine hearing*

*DM - Second – carries*

*MB - need to be an engraved sign attached to the building*

*DM - expedite*

*MB - second – carries*

27) Discussion: MacDuffie School, 66 School St., Granby (V11-091)

TH - photographs submitted on May 6, 2013 which were voted to be accepted  
- email on July 2, 2013 showing progress report with additional photographs of ramps that are under construction

*DM - accept as compliant with status report*

*GL - second – carries*

28) Discussion: Parish of All Saints, 209 Ashmont St., Dorchester (V13-081)

TH - EXHIBIT – policy submittal  
- policy requested to be submitted  
- hearing was July 1, 2013

*MB - accept the submitted policies as written in accordance with previous decision*

*DM - second – carries with CS abstaining*

TH - need to clarify decision regarding the gym

*MB - need to submit decision to the Board regarding access to the gym by September 1, 2013*

*DM - second – carries with CS abstaining*

29) Hearing: Ventfort Hall Building, 104 Walker St., Lenox (V13-110)

WW - called to order at 2 p.m.  
- introduce the Board

Robert Harrison, Architect, Harrison Design Associates (RH)

William Thornton, Lenox Building Inspector (WT) via conference call

WW - both sworn in  
- EXHIBIT 1 - AAB1-115

- TH - Mark Dempsey, Compliance Officer for the Board, was out in Pittsfield on Friday and was able to hand a copy of the Board packet to WT  
WT - that is corrected
- RH - looking to install a four-stop elevator, will provide access immediately to the second floor; and then access to the basement, future of the third floor is uncertain, to be installed in the existing shaft  
- the first floor is currently accessible with accessible toilet rooms  
- goal is to access the second floor as soon as possible, but seeking a time variance, to have immediate access to the second floor for use, with full story elevator
- WT - one accessible means of egress from the first floor
- RH - secondary means of egress is the area of rescue assistance  
WT - unaware of it, but will look back
- RH - would like to start with the elevator variance requests  
- first is for size of the elevator  
- existing shaft, will accommodate interior clear dimensions of 3'7 ½" by 3'5" (43 1/2" by 41"), does not meet the minimum 48" by 48"
- TH - straight in and back out?  
RH - yes, but from first to second, it would be a pass-through with opposing doors  
- 41" is the depth, 43 ½ inches is the width of the cab
- RH - shaft is empty, what little is there is being emptied, but this has been explored thoroughly by Otis Elevator  
- two panels, dimension is from wall to wall, but door to door may be a little bit more space since the doors are recessed
- TH - need to know what the space is from door to door
- MT - would like to know what the door to door dimensions are?
- MB - recess*  
*DM - second – carries*

30) Discussion: Agawam High School, 760 Cooper St., Agawam (V09-134)

- TH - EXHIBIT – new seating plan  
- previously voted to accept 9 wheelchair seats and companion seats, now proposing 8 wheelchair seats and companion seats based on reduction of overall seating  
- seeking to modify the amended decision to modify the number of accessible seats provided  
- does not affect armless seats provided



*DM - accept to modify the order to 8 accessible seating locations with companions*

*GL - second - carries*

31) Discussion: Motorsport International, 443 Washington St., Auburn (C11-135)

TH - EXHIBIT – submittal from original complainant

- in the decision from the hearing May 20, 2013, variance application was required within 30 days receipt of the decision

- just received variance application last week

- need to do a site visit

*DM - site visit*

*RG - second – carries*

32) Hearing: Ventfort Hall Building, 104 Walker St., Lenox (V13-110) – Cont'd

*DM - reopen the hearing*

*GL - second – carries*

RH - got an indefinite answer that it appears that the door panels are  $\frac{3}{4}$ " thick, therefore would get 44" between the doors

WW - cost estimate for the using the existing shaft and building a new shaft

RH - addition would trigger requirement for full sprinkler, \$150,000.00 additional cost on top of the creation of the exterior shaft addition

TH - would like to see them look into expanding at least one of the shaft walls

- will only be for half of the elevator doors since they overlap

MB - so an extra inch and a half

*MB - continue for further investigation for increasing the shaft size, or relocating the elevator within the building*

*RH - only alternative is an exterior shaft, they have studied this moving the shaft as a whole; but can look at moving one of the shaft walls*

*MB - continue for further investigation of increasing this shaft*

*RH - cost would be reframing the flooring and extending the shaft 6 inches, could have the study done within 4 weeks*

*MB - submit further study by August 9, 2013*

*MT - second – carries*

RH - minimum length?

MB - every inch below 48" reduces access for someone

MB - replace prior motion, to continue to get a report by August 9, 2013 to submit study about getting to 48 inches

RH - 1/3 of the elevator is 41" at the center it is 3'8 1/2 inches (44 1/2")

MT - second – carries

RH - this also tables the request for a time variance

WW - cost to shore up the building?

RH - about \$1.5 million

WT - mainly exterior wall and roof work, sounds about right for spending

TH - spending is over 30%

WT - yes

RH - yes, and we completely acknowledge that over 30%, that is why the first floor was made accessible and the upper levels are not open

RH - are only seeking variances for exhibit space doors, door clearances and widths

TH - AAB15, doors seeking relief?

RH - yes

RH - museum is a house, all exhibits will be behind closed doors which will only be opened by docents, since the public will have the doors opened for them, so seeking to maintain historic door hardware

- with the door more than 90 degrees, the width is met, but the width is not met when opened 90 degrees, but with docent, doors can be opened by more than 90 degrees

- some doors, when opened beyond 90 degrees, are not compliant by less than an inch, seeking variances for those doors, since very small dimension and excessive cost

- other doors are quite shy of the requirements, but reconfiguring those doors would be an excessive cost and would require significant changes to the building

MB - the doors that are 30 inches clear are manageable

RG - concern with doors into the elevator vestibule

RH - there are no doors into the elevator vestibule that require a variance

- AAB24-26 are the exterior shaft, showing that not a viable alternative to the project

- AAB31 shows the proposed drawings

- none of the doors are associated with the elevator and elevator lobby

- office doors and bathroom doors will be fully compliant, only issues with exhibit room doors, which will be opened by docents

- CS - grant the variances for all doors that are over 30" when opened beyond 90 degrees, which shall be operated by docents*
- DM - second - carries*
- CS - door 303 and door 307
- RH - also basement door
- one other door, the door to the exterior patio, a masonry opening to the exterior of the building
- MB - may need more information regarding the patio to the exterior
- RH - exterior door to exterior balcony that would like to be opened to the public
- 38-40 inches above grade, only access to the balcony is through the exterior masonry opening
- 29" provided clear at this door
- MB - grant Door 101 based on historic significance of this door, however balcony cannot be used for parties*
- RH - deck will be to within ½ inch to the threshold
- GL - second – carries*
- RH - Door 001, opens only 90 degrees, since recessed in two feet of masonry wall
- 29 inches clear
- DM - grant*
- GL - second*
- TH - where is this door?
- RH - AAB24, goes to exhibit space in original bowling alley
- TH - brick wall
- CS - any other way to get into that exhibit space?
- RH - no
- TH - measurement for masonry to masonry
- WT - what is the capacity for means of egress?
- RH - proposing less than 49, so only one means of egress required
- WT - ok, so limited space
- DM - withdraw motion*
- MB - deny the requested variance for Door 001, to require a minimum of 30 inches*

CS - *second – carries*

**- No More Diane McLeod –**

RH - Door 303, AAB59  
- plaster and wood

CS - *deny Door 303, must provide minimum of 30 inches*  
MT - *second – carries*

RH - Door 308, bound on both sides by walls

CS - other access to the same space?  
RH - no

MB - what about offset hinges  
RH - it is 29 ½ inches when fully open  
- opening is 29 ½ inches

MT - *grant as proposed for Door 308, based on historic nature*  
GL - *second – carries*

CS - need to note in the record that over 30%

33) Hearing: Housing Project, Multiple Locations, Boston (V13-145)

WW - called to order at 3 p.m.  
- introduce the Board

Paul Warkentin, Davis Square Architects (PW)  
Laura Cella-Mowatt, “” (LC)  
Michael Lozano, The Community Builders, Inc. (ML)

WW - all sworn in  
- EXHIBIT 1 – AAB1-58

PW - 29 row houses, scattered in the south end, total of 146 units  
- 100% occupied and 100% low income units  
- currently no accessible units  
- renovation project will exceed 30%  
- in selecting which buildings are going to have accessible units, a lot of buildings right off are not feasible to make accessible  
- some do not have adequate paths of travel to the rear  
- or the bottom unit is a duplex

- not able to change the overall unit mix of the project, can't change the number of 1BR vs. 2BR, need to have the same types of units

- 8 small floor plates to work with within the buildings

- 153 Worcester has more than 12 units, but unable to get to the back of that building, since cobblestone alley with a slope of 1:8

- AAB32-AAB39, indications of the problems with trying to put lifts into each of these buildings

- providing 8 total accessible units, will be 5 1BR, 1 Studio, 1 2Br and 1 3BR

- accessible units in 23 Greenwich Park, 38 E. Springfield St, 212 Northampton St., 216 Northampton St., 535 Mass. Ave., 549 Mass. Ave., 551 Mass. Ave., 149 Worcester St.

- variance for front entrance at 23 Greenwich Park, rear entrance will require exterior lift

- rest of the buildings have an at grade walkway at the rear, seeking variance for the front of the building

- variances also sought for existing maneuvering clearances, and stairs and nosings

- will add compliant rails at all of the entrances

- 6 foot grade change from Northampton to the first floor at 549 Mass. Ave., large ramp at the rear

MB - that is a large amount of ramp?

- who will shovel the ramps?

ML - have a snow removal contract

ML - presenting the best solutions to accommodate accessibility

- have never had accessible units, look forward to introducing these 8 units

PW - issue is with the maintenance of a lift

- ramp is consistent access that will just be maintained

MB - length of ramp?

PW - each of the runs of ramp are less than 30 feet

- total run of the ramp is around 90 feet total

PW - 153 Worcester Street, 17 units, common spaces are corridors and the laundry room

- interior stairs have historic interior handrail, adding compliant wall side handrail; variance for interior handrails

CS - only one 2BR, why not more 2brs

PW - most of the existing 2BRs are on the upper floors

- typically on the ground floor, which is the only level that they are able to reach, so constricted by the available area at the ground floors

ML - new construction in Brighton, Roxbury and Jamaica Plain, less than a half mile away from these locations

- those properties will be complete in the fall, both of those properties have accessible units and larger units

- other properties at back of the hill in Mission Hill, is fully compliant

- list of accessible units is available

MB - work done while people still in their units?

ML - property is 100% occupied (all 146 units), bound by financing to allow those people that are in the units to come back into the units, so when those units that are converted to accessible units are vacated, they will be advertised as accessible units

- these are tenant in place renovations

MB - people in the 8 units that are being rehabbed, be able to still go in the front?

PW - yes, that's why they are seeking variances for the front entrances

CS - as units open up, then they would advertise the units as accessible

ML - would have to do this, and we have a waiting list and there is outreach for the accessible units

- hoping to have the units last for another 150 years, and although not occupied by people with disabilities at this point, they will be at some points

CS - *grant the variance for 9.4.2, regarding unit distribution, on the condition that there is a list of accessible units within the portfolio, and that these units are advertised as accessible when the units become available for a new tenant*

MB - *second – carries*

MB - *grant variance for 25.1 for the rear entrance at 23 Greenwich*

CS - *second – carries*

MB - *grant variance to 25.1, for the existing front entrances, however, the rear entrances to the accessible units needs to be enhanced with lighting*

LC - *lighting improvements are proposed*

MB - *would also like to see awnings are at the rear*

ML - *intent is to create improved landscaping at the rear*

MB - *grant relief to the front entrances for all of the buildings, and the accessible units with rear accessible entrances shall be enhanced and well lit, canopy, and would like to see concept drawing of rear entrance proposal submitted by August 15, 2013*

PW - *in all cases all of the rear entrances are from the street or from a public alleyway*

ML - *paved street alleyways*

GL - *second*

- *carries*

CS - *make additional condition to front entrances, that to the extent possible, maintain the accessible route to the rear entrance, and that there be signage at the front door that access at the rear*

MB - *second, but need to move the mailbox, need to have deliveries to the rear*

- *carries*

WW - all part of the front entrances?

*MB - grant variance to 26.4, as part of the inaccessible entrances*

*MT - second – carries*

*MB - grant variance for 26.6, as part of inaccessible entrances*

*MT - second – carries*

PW - nosings are approximately 2 inches

*MB - grant 27.3*

*GL - second – carries*

*CS - grant variance for 27.4.5 shape*

*RG - second – carries*

*GL - copy of landmark approval to be submitted by August 15, 2013*

*MT - second – carries*

*MB - grant 10.1 for 153 Worcester, tech. infeasible*

*RG - second – carries*

*MB - grant 27.2, for 153 Worcester for winders*

*MT - second – carries*

*MB - grant 27.4 for noncompliant interior handrails, on the condition compliant wall side handrails provided*

*CS - second - carries*

#### 34) Discussion: Meeting Minutes and Decisions from July 1, 2013

*RG - approve all*

*MT - second – carries with CS abstaining*

#### 35) Discussion: DeLuca's Market, 7-17 Charles St., Boston (V11-232)

TH - bought items at the first floor yesterday, have a receipt

- first floor not allowed to be open until access to the wine cellar provided

- now can issue civil fines

- haven't heard back from the city

WW - swears in Mark Dempsey, compliance officer for the Board

MD - spoke to Tom O'Brien of United Elevator, they are building the pit

- the device is in their local warehouse

- no estimated timeframe

- No More Gerald LeBlanc -

WW - any response from Boston ISD or Virgil Aiello?

TH - no, only response from Commissioner to let him know what response he gets  
- Aiello's argument was that the first floor is accessible, so no big deal  
- issue was a standing order is that cannot open until lift is installed and inspected and in working order

MB - big issue is with Boston ISD

- is the way to go, to send a certified return receipt letter to ISD in Boston and say, how is DeLuca's open and did you issue an occupancy permit in direct violation of the order of the Board  
- shouldn't always be the AAB that are the bad people, ISD should be shutting them down

CS - thought that someone said that in response to the email from Tom that they were allowed to open half of the store

MB - was ISD complicit with this, did they issue an occupancy permit

*MT - have staff contact ISD, to see if any occupancy, temporary or otherwise issued for first floor*

*CS - second - carries*

MT - tickets are better

*MB - beginning tomorrow start a process based on the new civil fines law, provide a warning for being open in direct violation of the order of the Board, then the next day, if still open and operating in direct violation of the Board, \$1,000.00 a day, each day that they go down and find that the business is open in direct violation of the order of the Board.*

*MT - second - carries*

- End of Meeting -